REMARKS

By this amendment, the specification has been amended to reflect the serial numbers of related cases.

A restriction requirement was required under 35 U.S.C. § 121. During a telephone conversation applicant provisionally elected, with traverse to prosecute the claims in Group II, Claims 7-20. Claims 1-6 are hereby withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claims 7-20 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended Claim 7, to clearly specify that the claim is not a mental process augmented by pencil and paper markings as stated by the Examiner. As amended, Applicants' Claim 7 relates to a method for providing a retrieval scheme for electronically stored digital images. The method provides a user identifier that identifies a particular user for the images. One or more of the images are classified as important based upon the particular user's reaction to the images. The user identifier and the classification are electronically stored to facilitate retrieval.

The Examiner's attention is called to page 11, line 14-18 of Applicants' specification that indicates Applicants' claimed method, taken as a whole, complies with the statutory requirements. Applicants believe that Claim 7, as well as Claims 8-20 which depend therefrom, are clearly directed towards statutory subject matter, and are operable, have utility, and are non-obvious. Thus, Applicants believe Claims 7-20 meet the statutory requirements, and are in condition for allowance. If the Examiner has problems with the form of these claims a telephone will be appreciated.

Claims 7-9, 12, 13 and 15-20 were rejected under 35 U.S.C. § 103(a) as being disclosed by Official Notice.

The Official Notice referred to by the Examiner appears to be a copy of the front and back cover of a DVD. As indicated in the preamble of the amended Claim 7, the claim covers a method for retrieving stored digital images. In this method a plurality of digital images are stored electronically. A user

identifier (electronically stored in step d) identifies a particular user. Step c requires classification of one or more of the images as important based upon the particular users reaction to the images. The classification is also stored in step d. This is very different than any of the prior art cited by the Examiner. The DVD covers contain an R rating which was established by a Motion Picture Rating Board. There is no user identifier for this rating. The classification in amended claim 7 is based upon the particular user's reaction. The user identifier and classification are stored to facilitate retrieval by the particular user identified in the user identifier. Clearly, no such arrangement is found in the art cited by the Examiner. It is believed that Claim 7 is directed to a different problem than a DVD rental process. Accordingly, there is no motivation to provide the method of Claim 7 as any part of the cited Blockbuster® or Hollywood® DVD rental process.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being anticipated over JP Patent 10143680 A (hereinafter, *Maehara*) and in further view of U.S. Patent No. 5,802,550 to Black et al. (hereinafter, *Black*). Applicants agree with the Office Action that the Official Notice of Rob Roy does not disclose Applicants' claimed feature of classifying one or more of the images as an important image includes monitoring the facial expression of the user. However, *Black* fails to make up for the deficiencies of the Official Notice and the video viewing features described by *Maehara,* whether taken alone or in combination. *Black* relates to providing feedback to networks and producers about their products based on analysis done on a sequence of images. Applicants' Claim 10, which depends from Claim 7 and includes the features thereof, is distinguishable from *Black* (whether taken singly or in combination with the other cited art) as Applicants' claimed invention classifies one or more images as important based on a particular user's reaction to images where the classification facilitates the retrieval of particular stored digital images. This classification, storage and retrieval of images is directed toward a different problem than *Black*'s feedback system to networks and producers. Accordingly, it is believed that there is no motivation to provide the method of Claim 10 as any systems or methods of the cited prior art. Therefore, for at least the above reasons, Applicants' submit that Claim 10 is allowable. Moreover, Applicants submit that Claim 10, which

depends from Claim 7 and therefore contains all the features thereof, is also allowable for at least the same reasons Claim 7 is allowable.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being anticipated over *Maehara* in view of "Aroused and Immersed: The Psychophysiology of Presence" (hereinafter *Aroused and Immersed*).

The Japanese abstract for *Maehara* appears to relate to a device that can receive an input from a viewer to record emotional or sensitivity feelings by the viewer or observer. The *Aroused and Immersed* cited art relates to measuring arousal of a particular user when viewing still and moving images as measured by EDA and heart rate. Claim 11 of course depends upon Claim 7 and Applicants cannot find anything in these references that relates to the steps of Claim 7. In any event, Applicants fail to see how these disclosures has any relevance to the image retrieval process set forth in Claim 7. There are no user identifiers, classification of images or storing of user identifiers and classifications to retrieve particular images.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Maehara* in view of U.S. Patent 6,182,133 to Horovitz (hereinafter, *Horovitz*).

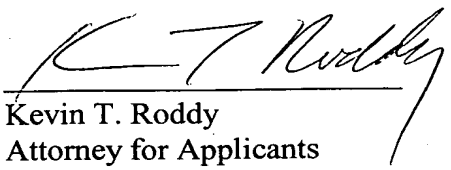
Maehara has been discussed above. *Horovitz* does indeed disclose monitoring the gaze of a user. Claim 14 of course depends upon Claim 7 and Applicants cannot find anything in these references that relates to the steps of Claim 7. In any event, Applicants fail to see how these disclosures has any relevance to the image retrieval process set forth in Claim 7. There are no user identifiers, classification of images or storing of user identifiers and classifications to retrieve particular images. The remaining dependent claims all depend upon amended Claim 7, and therefore should be allowed with it.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.